

77-40-104. Eligibility for expungement of records of arrest, investigation, and detention -- Requirements.

(1) A person who has been arrested or formally charged with an offense may apply to the bureau for a certificate of eligibility to expunge all records of arrest, investigation, and detention which may have been made in the case, subject to the following conditions:

(a) at least 30 days have passed since the arrest for which a certificate of eligibility is sought;

(b) there are no criminal proceedings pending against the petitioner; and

(c) one of the following occurred:

(i) charges were screened by the investigating law enforcement agency and the prosecutor has made a final determination that no charges will be filed in the case;

(ii) the entire case was dismissed with prejudice;

(iii) the person was acquitted at trial on all of the charges contained in the case;

or

(iv) the statute of limitations has expired on all of the charges contained in the case.

(2) Notwithstanding Subsection (1)(a), a petitioner seeking expungement under Subsection (1)(c)(iii) shall be issued a certificate of eligibility on an expedited basis.

Amended by Chapter 136, 2012 General Session